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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,144	12/27/2000	Ronald Martin Horn	1585-257	3292

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3

**Office Action Summary**

Application No.

09/748,144

Applicant(s)

HORN ET AL.

Examiner

Ronald D Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-5 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Uchida et al., U.S. Patent No. 5,817,958.

As per claims 1 and 5, Uchida teaches a method comprising:

- receiving input water chemistry characteristics over a global computer network (e.g. Figure 14 element 49; "Water Chemistry", element 51; "Plant Parameters" and C19 L19-38; "The place where the residual life evaluating system is installed is not limited to a central control room of the plant. ... Therefore, the system may be installed in another plant facility);
- accessing a crack growth behavior model that predicts component crack behavior according to the input water chemistry characteristics; (e.g. C6 L56-65; "When the plant ...analysis of the plant chart, and evaluation base on the prediction models,... to take systematic actions; and Figure 14 elements 11 and 55); and

- outputting over the global computer network a crack growth prediction profile according to an analysis of the crack growth behavior model (e.g. Figure 14 element 48 and element OUTPUT: and C12 L26-55, "Supplied to the plant chart are record information ... provide security program information.).

As per claim 2, Uchida teaches generating a graphical representation of a crack growth according to the input water characteristics (e.g. Figure 14 element 48a and C17 L13-27; "The evaluation result is indicated on the display screen... is quantitated depending on the personality of the plant.).

As per claim 3, Uchida teaches real time crack growth prediction (e.g. Figure 1 elements 6 and 7 and Abstract; "Plant operating conditions ... are accumulated, combined and put together as a set of plant status variables, while water chemistry information is accumulated as another set of plant status variables ... Both data sets are compared with each other ...").

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida, as applied to claim 1 above.

As per claim 4, although Uchida does not specifically teach a server with a server program, it would be obvious to one of ordinary skill in the art, at the time the invention was made, since Uchida clearly anticipates the use of his system in a networked manner; that is, by allowing the facilities to communicate with another; and since a server would obviously be used for the database, its inclusion into Uchida would be equally obvious since it would allow for a convenient means of storing pertinent data and would easily facilitate any and all communications between the multiple facilities. Therefore, for at least these reasons, the inclusion of a server and server program would have been obvious to one of ordinary skill in the art at the time the invention was made.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (703) 308-7001. The examiner works Mon- Fri., 10:30 am to 7:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anil Khatri, can be reached at (703) 305-0282.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9618.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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**Or faxed to:**

(703) 872-9306

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor  
(Receptionist).

Ronald D. Hartman Jr.  
Patent Examiner  
Art Unit 2121  
March 24, 2004

A handwritten signature in black ink, consisting of a long horizontal stroke with a large loop at the end.

**GEORGE B. DAVIS  
PRIMARY EXAMINER**